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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,545	02/10/2004	Tarmo Hyttinen	915-013.004	6700
7590 05/28/2008 Ware, Fressola, Van Der Sluys & Adolphson, LLP Building Five, Bradford Green 755 Main Street P.O. Box 224 Monroe, CT 06468				
EXAMINER WU, QING YUAN				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/775,545

**Applicant(s)**

HYTTINEN, TARMO

**Examiner**

Qing-Yuan Wu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-20 are pending in this application.

***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/22/08 has been entered.

***Claim Objections***

3. Claims 1-12 and 14 are objected to because of the following informalities:
  - a. As per claim 1, line 10, "instruction. said" should read --instruction, said -- or -- instruction. Said--.
  - b. As per claims 2-12 and 14, applicant should consider replacing "A device" in claims 2-12 with "The device" as recited in claim 17 for consistency. Claim 14 is objected to for the same reason.
4. Claims 3 and 5 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. For example, in claim 3, it appear that "a program

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component for searching” is refer to as an alternative of “a control for searching” and not further limiting the “control for searching” and therefore does not include every limitation of independent claim 1 (see 112 2<sup>nd</sup> paragraph rejection for claims 3 and 5 below and MPEP 608.01(n) (III)).

Appropriate correction is required.

*Claim Rejections - 35 USC § 112*

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 3-5 and 16 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms lack antecedent basis:

- i. As per claim 16- said instructions, line 5.

- b. The following claim language is indefinite:

- i. As per claim 4, it is uncertain whether the term “those” refers to “the found overlapping events”. The use of pronoun render the claim unclear, applicant should consider replacing the pronoun with the actual limitation. For examination purposes “those” would be treated as “the found overlapping events” for the remainder of this office action.

ii. As per claim 3, it is uncertain if the "control" that searches possible overlapping events as indicated in claim 1 is the same as the "program component" that performs the same function. Claim 5 is rejected for the same reason. For examination purposes they will be treated as the same for the remainder of this office action.

***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1-12, 15-17 and 19-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

9. Claim 1 is an apparatus claim directed to software alone without claiming associated computer hardware required for execution. More specifically, the claimed device comprise a calendar application and a control for performing various functions with no associating hardware. Claims 2-12 and 17 are dependent claims of claim 1 and do not support the hardware requirement for implementing the apparatus of claim 1, therefore they are rejected for the same reason.

10. Claims 15-16 and 19-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter because they are lacking utilities. More specifically, these claims recite the limitation "a computer readable medium having a program component,"

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but failed to indicate what permits the program component to be realized (i.e. the computer executable code or instructions must be stored in a computer readable medium, and executed by a computer element to perform control of a technical procedure). See MPEP 2106.01.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishizawa (US Publication 2002/0004734) in view of Dean et al. (hereafter Dean) (US Patent 6,167,379).

13. As to claim 13, Nishizawa teaches the invention substantially as claimed including a method comprising:

receiving a high priority event to be added to a calendar application [paragraph 46, line 10-16; Fig. 4; S3-S4, Fig. 5],

searching possible overlapping events in said calendar application as a response to receiving said high priority event [paragraph 46, lines 16-19; S5, Fig. 5],

when one or more overlapping events are found, deleting the overlapping event(s) [paragraph 46, lines 19-25; S6-S9, Fig. 5],

processing the one or more overlapping events including selecting certain overlapping events and for allocating a memory block usage according to the selection of the certain overlapping events [paragraph 57, lines 3-9; S2, Fig. 12].

14. Nishizawa does not explicitly teach presenting said found one or more overlapping events with one or more processing alternatives for processing the found events, receiving a processing instructions comprise at least one of the following: deleting an overlapping event, removing an overlapping event, silencing an overlapping event (The examiner's interpretation of various recitations of "an overlapping event" as one of the one or more overlapping events for antecedent basis). However, Dean teaches presenting overlapping events to a user along with one or more processing alternatives for processing the found events, and receiving a processing instruction including replacement of the overlapping event [Dean, col. 4, lines 54-59; Fig. 3; 46, Fig. 4; 60, Fig. 5].

15. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the teaching of automatic handling of conflicting events by Nishizawa with the user initiated conflicting events handling by Dean because of the inadequacy of computer automated handling of conflicting events in certain situations as being considered by Dean [Dean, col. 6, lines 12-24 and 26-39].

16. As to claim 14, it is rejected for the same reason as claim 13 above.

17. As to claim 18, Nishizawa as modified teaches the invention substantially as claimed including wherein said removing comprises removing said overlapping event to said memory block for possible later recovery in case of cancellation of an added high priority event [paragraph 57, lines 5-33; paragraphs 58 and 62].

18. As to claim 15, this claim is rejected for the same reason as claim 13 above. In addition, Nishizawa as modified teaches a calendar application [Figs. 2-4; Dean, abstract] and a program component for performing the various functionalities [28, 32, Fig. 2; Dean, Figs. 1-2].

19. As to claim 19, it is rejected for the same reason as claim 18 above.

20. As to claim 16, it is rejected for the same reason as claim 15 above.

21. As to claim 20, it is rejected for the same reason as claim 18 above.

22. As to claim 1, this claim is rejected for the same reason as claim 15 above.

23. As to claims 2-5, these claims are rejected for the same reason as claims 1 and 15 above.

24. As to claim 6, Nishizawa as modified teaches the invention substantially as claimed including wherein a high priority event is selectable from a menu of said calendar application [paragraph 45; Fig. 4].



25. As to claim 7, this claim is rejected for the same reason as claim 18 above. In addition, Nishizawa as modified teaches recovering found, timely matching, previously removed, overlapping events to the calendar application [paragraph 57, lines 9-20; paragraphs 58 and 62].

26. As to claim 8, Nishizawa as modified teaches the invention substantially as claimed including wherein said control is for comparing time associated to the high priority event to a respective time of said calendar application for finding possible overlapping events from the calendar application [abstract].

27. As to claim 9, Nishizawa as modified teaches the invention substantially as claimed including wherein said calendar application is situated in said device using said calendar application [paragraph 35, lines 1-8; Fig. 1; Dean, abstract].

28. As to claim 10, Nishizawa as modified teaches the invention substantially as claimed including wherein said calendar application is situated in a remote device being connected to said device using the calendar application [Dean, abstract; col. 3, line 52-col. 4, line 41].

29. As to claims 11-12, Nishizawa as modified teaches the invention substantially as claimed including wherein the received high priority event is recognized by the control unit of the device/the calendar application [Schedule processing unit receiving the input and subsequently manipulating the calendar, paragraph 35; paragraph 46, lines 13-25; 28, 32, Fig. 2].

30. As to claim 17, it is rejected for the same reason as claim 18 above.

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,781,920 to Bates et al., U.S. Patent No. 5,774,867 to Fitzpatrick et al., U.S. Patent No. 7,299,193 and U.S. Publication 2003/0149606 to Cragun et al. teach handling of conflicting scheduling events.

***Response to Arguments***

32. Applicant's arguments filed 1/22/08 have been fully considered but are mooted in view of the new ground of rejection.

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571)272-3776. The examiner can normally be reached on 8:30am-6:00pm Monday-Thursday and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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/Qing-Yuan Wu/  
Examiner, Art Unit 2194

/Meng-Ai An/  
Supervisory Patent Examiner, Art Unit 2195